

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 80—Solid Waste Management
Chapter 8—[Waste] Scrap Tires

PROPOSED AMENDMENT

10 CSR 80-8.020 [Waste] Scrap Tire Collection Centers The department is amending the chapter title, the rule title, the purpose, and sections (1) – (5).

*PURPOSE: This rule contains the requirements for [waste] **scrap** tire collection centers. The department is amending portions of the rule to reflect revised statutory language in Senate Bill 225 to replace references to “waste tire” with the term “scrap tire”. This amendment will also correct typographical errors, grammatical errors, clarify regulatory exemptions, and update materials referenced in the rule.*

(1) Definitions.

(A) A **scrap tire** collection center is a site where [waste] **scrap** tires are collected prior to being offered for recycling or processing and where fewer than five hundred (500) tires are kept on site on any given day.

(B) A [waste] **scrap** tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

1. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds inch (2/32”) when measured in any major groove.

2. A tire still mounted on a rim is not a [waste] **scrap** tire, except as described in paragraph (1)(B)3.

3. Any tire that is discarded with the intent of final disposal is also a [waste] **scrap** tire.

4. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire cut in half circumferentially or cut into at least three (3) parts with no part being larger than approximately one-third (1/3) of the original tire’s size.

5. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a [waste] **scrap** tire that has been reduced to parts no larger than that defined in the definition of a cut tire.

6. A passenger tire equivalent (PTE), for the purposes of calculating the amount of tires, equals twenty (20) pounds.

(2) General Requirements.

(A) [Waste] **Scrap** tire collection centers shall be used only for the proper and temporary storage of [waste] **scrap** tires. [Waste] **Scrap** tires shall be removed for recovery or processing or for temporary storage at a permitted [waste tire site,] [waste] **scrap** tire processing facility or for permanent disposal at a permitted solid waste disposal area.

(B) The collection center must be in compliance with the requirements of the department’s Clean Water Law, Chapter 644, RSMo and implementing regulations.

(C) All tire retailers or other businesses that generate [waste] **scrap** tires shall use a [waste] **scrap** tire hauler permitted by the department, except that business may haul such [waste] **scrap** tires without a permit, if such hauling is performed without any consideration and such business maintains records on the [waste] **scrap** tires hauled as required by section (5) of this rule.

(D) Tire retailers shall not be liable for illegal disposal of [waste] **scrap** tires after such [waste] **scrap** tires are delivered to a [waste] **scrap** tire hauler, [waste] **scrap** tire collection center, [waste tire site, waste] **scrap** tire processing facility or [waste] **scrap** tire end-user facility if such entity is permitted by the Department of Natural Resources.

(3) Applicability

(A) Exemptions. The following are not regulated as [waste] **scrap** tire collection centers provided that pollution, a public nuisance or a health hazard is not created and provided the tires are stored according to the requirements of section (4) of this rule:

1. A person collecting or storing less than twenty-five (25) [waste] **scrap** tires;
2. Warranty tires or new defective tires stored by tire retailers and wholesalers prior to transit to the wholesaler or manufacturer for adjustment credit;
3. Tires that are to be reused without further processing as vehicle tires (reused for the original intended purpose) that are separated from [waste] **scrap** tires within thirty (30) days of receipt at a [waste] **scrap** tire collection center, provided these tires are stored in compliance with the requirements of section (4) of this rule and are not stored outside for more than one (1) year;

4. Any new-tire retailer or new-tire wholesaler may hold more than five hundred (500) scrap tires for a period not to exceed thirty (30) days if such tires are stored according to requirements in section (4) of this rule;

5. Any person licensed as an auto dismantler and salvage dealer under Chapter 301, RSMo may, without further license, permit or payment of fee, store but shall not burn or bury on his/her property, up to five hundred (500) scrap tires that have been chipped, cut or shredded, if such tires are only from vehicles acquired by him/her, and such tires are stored in accordance with section (4) of this rule. Auto dismantlers and salvage dealers must arrange for the proper disposal of the scrap tires to take place within thirty (30) days. Appropriate documentation of the disposal arrangements shall be made available to the department upon request. In no case shall more than five hundred (500) scrap tires be stored for more than thirty (30) days unless the auto dismantler and salvage dealer is permitted as a scrap tire processor;

[4]6. Retreadable tire casings held in inventory by tire retreaders for retreading that are stored separately from other [waste] **scrap** tires, provided these tires are stored in compliance with section (4) of this rule and provided they are not stored outside for more than one (1) year; or

[5]7. Tires stored in conjunction with a department-approved or nonprofit cleanup if the [waste] **scrap** tires are stored for a period not to exceed thirty (30) days are exempt from this rule.

(B) This rule shall pertain to whole, cut, shredded, baled, **buffed** or chipped [waste] **scrap** tires.

(C) Underground storage of [waste] **scrap** tires requires a permit as a solid waste disposal area and shall comply with the requirements of 10 CSR 80.

(4) Storage Requirements.

(A) Fire Protection. A [waste] **scrap** tire collection center shall be in compliance with the fire protection requirements of this subsection.

1. *[Whole waste tire storage shall meet the Standard for Storage of Rubber Tires, NFPA 231D, 1994 edition, adopted by the National Fire Protection Association,]* **The owner or operator of a scrap tire collection center shall provide written evidence from the local fire protection agency that indoor or outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards, or the scrap tire collection center must comply with the currently applicable national fire protection standards pertaining to rubber tire storage as published by the National Fire Protection Association or the International Code Council, which by this reference [is] are incorporated into this rule.**

[2. Cut, chipped, baled or shredded waste tire storage shall meet the fire prevention, exposure protection and firefighting access guidelines contained in the Standard for Storage of Rubber Tires, NFPA 231D, 1994 edition, adopted by the National Fire Protection Association.

3. Indoor storage requirements are contained in NFPA 231D, 1994 edition. Outdoor storage requirements are contained in NFPA 231D, Appendix C, 1994 edition. Copies of the NFPA standard may be obtained by contacting the NFPA, P.O. Box 9101, Quincy, MA 02269 (800-344-3555).

4. Alternately, the collection center may provide evidence that whole, cut, chipped, baled or shredded waste tire storage is in compliance with the local fire code.]

(B) Location. [Waste] **Scrap** tire collection centers shall not be located in a wetland, sinkhole or floodplain (unless protected against at least the one hundred (100)-year flood design by impervious dikes or other appropriate means to prevent the flood waters from contacting the [waste] **scrap** tires).

(C) Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the [waste] **scrap** tire collection center shall use an alternate method to correct the vector problem. The owner/operator of a [waste] **scrap** tire collection center storing tires shall use one (1) or more of the following methods of vector control:

1. Drain tires of water and keep them dry within a building, enclosed trailer or under a cover that is impermeable. The cover shall be maintained water impermeable;
2. Alter tires so they do not retain water;
3. Treat the tires with a larvicide and/or adulticide appropriate to prevent the development of mosquito larvae and pupae and repeat treatment as often as necessary to prevent this development, taking into account the effectiveness and life of the larvicide and/or adulticide utilized;
 - A. Larvicides and/or adulticides shall be applied in accordance with their labels, Chapter 281, RSMo and its implementing regulations.
 - B. The dimensions of the tire pile and the method of stacking the tires must allow for application of the larvicide and/or adulticide to all tires; and
4. Alternate methods of vector control must be approved by the department.

(5) Recordkeeping Requirements. The owner/operator of a [waste] **scrap** tire collection center shall maintain records, on forms provided by the department, as required by this rule. All records required by this rule shall be kept for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. Collection center shall also maintain records of vector control activities.

*AUTHORITY: sections 260.225 and 260.270, RSMo (Cum. Supp. 1996). * Original rule filed Jan. 3, 1991, effective July 8, 1991. Amended: Filed March 17, 1992. ** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Amended: Filed April 16, 1997, effective Dec. 30, 1997.*

**Original authority: 260.225, RSMo (1972), amended 1975, 1986, 1988, 1990, 1993, 1995 and 260.270, RSMo (1990), amended 1995.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.